



## **CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA**

**Council Chambers – 3300 Newport Blvd.  
Wednesday, November 9, 2011 – 6:00 PM**

***Harbor Commission Members:***

**Ralph Rodheim, Chair  
Brad Avery  
Marshall Duffield  
Duncan McIntosh  
Karen Rhyne  
Vincent Valdes  
Doug West**

***Staff Members:***

**Chris Miller, Harbor Resources Manager  
Shannon Levin, Harbor Resources Supervisor**

***Council Liaison:***

**Nancy Gardner, Mayor Pro Tem**

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- 1) CALL MEETING TO ORDER**
  - 2) ROLL CALL**
  - 3) PLEDGE OF ALLEGIANCE**
  - 4) PUBLIC COMMENTS**

*Public comments are invited on agenda and non-agenda items generally considered to be within the subject matter jurisdiction of the Commission. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Commission has the discretion to extend or shorten the speakers' time limit on agenda or non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.*

- 5) APPROVAL OF MINUTES – September and October 2011**

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least seventy-two (72) hours in advance of each regular meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act ("ADA") in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. If requested, this agenda will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Please contact the City Clerk's Office at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible at (949) 644-3005 or [cityclerk@newportbeachca.gov](mailto:cityclerk@newportbeachca.gov).

6) **CURRENT BUSINESS**

A. ***50 Steps to Better Water Quality***

The Harbor Commission will hear a presentation from the Orange County Dana Point Director Brad Gross on water quality with a focus on the County's Recycling Center.

**Recommendation:**

1. Receive and file. Consider forming a subcommittee to investigate the need for a recycling center in Newport Harbor.

B. ***Proposed New Public Dock and Balboa Marina Expansion at 201 E. Coast Highway – A Conceptual Review***

The City and The Irvine Company are jointly exploring the concept of a new public pier and expansion of the Balboa Marina at 201 E. Coast Highway. The Harbor Commission will hear a presentation on the proposal.

**Recommendation:**

1. The Harbor Commission is requested to provide comments on the conceptual plan for a new public dock and Balboa Marina expansion.

7) **SUBCOMMITTEE REPORTS**

8) **QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES**

9) **HARBOR RESOURCES UPDATE** – Receive and File

10) **PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR HARBOR RESOURCES UPDATE**

11) **COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)**

12) **DATE AND TIME FOR NEXT MEETING:**

Wednesday, January 11, 2012, 6:00 PM

**No meeting in December 2011.**

13) **ADJOURNMENT**



**CITY OF**

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# **NEWPORT BEACH**

## **Harbor Commission Staff Report**

Agenda Item No. 1  
November 9, 2011

**TO:** HARBOR COMMISSION

**FROM:** Public Works Department  
Chris Miller, Harbor Resources Manager  
949-644-3043, [cmiller@newportbeachca.gov](mailto:cmiller@newportbeachca.gov)

**TITLE:** 50 Steps to Better Water Quality

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**ABSTRACT:**

The Harbor Commission will hear a presentation from Orange County Dana Point Harbor Director Brad Gross on water quality with a focus on the County's Recycling Center.

**RECOMMENDATION:**

1. Receive and file. Consider forming a subcommittee to investigate the need for a recycling center in Newport Harbor.

**FUNDING REQUIREMENTS:**

There is no fiscal impact related to this item.

**ENVIRONMENTAL REVIEW:**

Staff recommends the Harbor Commission find this action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**NOTICING:**

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Harbor Commission considers the item).

Submitted by:

A handwritten signature in black ink, appearing to read "Chris Miller", written over a horizontal line.

Chris Miller



**CITY OF**  
**NEWPORT BEACH**  
**Harbor Commission Staff Report**

Agenda Item No. 2  
November 9, 2011

**TO:** HARBOR COMMISSION

**FROM:** Public Works Department  
Chris Miller, Harbor Resources Manager  
949-644-3043, cmiller@newportbeachca.gov

**TITLE:** Proposed New Public Dock and Balboa Marina Expansion at 201 E. Coast Highway – A Conceptual Review

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**ABSTRACT:**

The City and The Irvine Company are jointly exploring the concept of a new public pier and expansion of the Balboa Marina at 201 E. Coast Highway. The Harbor Commission will hear a presentation on the proposal.

**RECOMMENDATION:**

1. The Harbor Commission is requested to provide comments on the conceptual plan for a new public dock and Balboa Marina expansion.

**FUNDING REQUIREMENTS:**

The current adopted budget includes sufficient funding for this review. It will be expensed to the Capital Improvement Program account in the Public Works Department, 7231-C4402009.

**ENVIRONMENTAL REVIEW:**

Staff recommends the Harbor Commission find this action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**NOTICING:**

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Harbor Commission considers the item).

Submitted by:

A handwritten signature in black ink, appearing to read "Chris Miller", written over a horizontal line.

Chris Miller

**NEWPORT BEACH HARBOR COMMISSION MINUTES**  
**City Council Chambers**  
**September 14, 2011**

**CALL TO ORDER**

6:00 P.M.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Commissioners McIntosh, Valdes, Rodheim, Duffield, West and Rhyne were present. Commissioner Avery was absent.

Council Liaison: Mayor Pro Tem Nancy Gardner

Staff: Manager Chris Miller

**MINUTES**

Commissioner West made a motion to approve the August Minutes, and Commissioner Duffield seconded the motion. All ayes: August Minutes were approved.

**PUBLIC COMMENTS ON NON-AGENDA ITEMS**

None.

**ACTION & APPEAL ITEMS**

None.

**SUB-COMMITTEE REPORTS**

**1. Mooring Boundaries & Administration**

Commissioner Duffield gave a report on moorings, and he will return with a timeline at the next meeting.

**2. Harbor Visioning**

Commissioners Valdes reported that the Task Force will meet on September 26. Questions need to be answered about slip and boat size (i.e. Bigger yachts? Beam width rule for overhang?)

**3. Complete Cruising Guide**

Commissioner West reported that the Cruising Guide will be ready for February 2012.

**4. Making the Harbor More Visitor Friendly**

Manager Miller reported that he would be meeting with The Irvine Company on a new public dock concept at the Balboa Marina, and he will report later with Commissioner Duffield.

**5. Speed Limit Amendments**

Commissioner West will continue working on this issue with staff. Staff will present the item at an upcoming City Council Study Session in September 2011.

**6. Code Enforcement**

Commissioner West will pass along his list of code enforcement ideas to Commissions McIntosh and Avery.

**COUNCIL LIAISON REPORT:**

**HARBOR RESOURCES UPDATE** – Manager Miller gave a PowerPoint presentation on harbor updates. *The update is posted at <http://www.newportbeachca.gov/index.aspx?page=1777>*

**PUBLIC COMMENTS**

1. Dan Purcell mentioned that he would be happy to be the Commission's eyes and ears out on the water, and to document things. The Harbor Commission could use the citizens' help.

2. Len Bose inquired about the anchorage rules, guest dock rules, number of boats allowed on a mooring, sea lion repellent and the condition of boats in the charter fleet.

**RECOMMENDED TOPICS FOR FUTURE AGENDAS:**

Lieutenant Tom Slayton for a Harbor Patrol update  
Hazardous waste disposal in Newport Harbor

**DATE OF NEXT MEETING:** Wednesday, October 12, 2011, 6:00 PM

**ADJOURNMENT:** Meeting adjourned around 7:45 PM.

**NEWPORT BEACH HARBOR COMMISSION MINUTES**  
**City Council Chambers**  
**October 12, 2011**

**CALL TO ORDER**

6:00 P.M.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Commissioners McIntosh, Valdes, Rodheim, Duffield, West and Avery were present.  
Commissioner Rhyne was absent.

Council Liaison: Mayor Pro Tem Nancy Gardner

Staff: Manager Chris Miller  
Supervisor Shannon Levin

**MINUTES**

The September minutes were not available and will be made available in November.

**PUBLIC COMMENTS ON NON-AGENDA ITEMS**

Dan Purcell commented that the Commission should consider adjourning in memory of the eight people who died in Seal Beach today. Len Bose presented a brief depiction of the recycling center at Dana Point Harbor and that Newport Harbor could use some similar facilities. Bose added that if a boater needs to dispose of used oil, zincs, or other hazardous materials there is not a designated area. Often materials are dropped off at shipyards and they are left with the responsibility of proper disposal. It was noted that Dana Point Harbor Director Brad Gross will attend the November Commission meeting and will discuss the process and maintenance requirements of the recycling centers. Chuck South commented that mooring lines and equipment are being damaged by renters unfamiliar with the moorings, and mooring permittees are responsible for the cost of replacing the equipment. South mentioned that there should be a way to make it work better for all concerned. Commissioner Duffield will include this in the scope of the mooring subcommittee.

**ACTION & APPEAL ITEMS**

***ITEM #1***

**Subject:** Harbor Speed—Nautical Miles per Hour vs. Miles per Hour

**Abstract:** The Harbor Commission's Speed Limit Subcommittee is requesting the Commission to revisit the subject of converting the speed limit from nautical miles per hour to miles per hour.

**Discussion:** Commissioner West produced a handout (attached) describing the background of the nautical terms, support for maintaining the knots/hour (KPH), and a recommendation to the Commission to maintain KPH. Commissioners Avery and McIntosh agreed that it is consistent to maintain what is taught to mariners. Miller affirmed that any discrepancy between the City's KPH terms would prevail over the County's MPH. Public comments were supportive of keeping KPH in the Code. Andy Rose commented that the "basic speed law" should be removed from the code because it is subjective. Dwight Belden added that larger boats cannot get under 5 MPH and that nuisance wake will not change with this code. The 15% decrease in allowable speed, KPH to MPH, would constitute a big change for those lifetime boaters and a historical standard. Seymour Beek supported West's recommendation.

**Action:** West motioned to reconsider the ordinance by retaining existing nautical miles per hour; Commissioner Valdes seconded the motion and carried unanimously.

## **SUB-COMMITTEE REPORTS**

**Mooring:** Duffield met with Harbor Resources staff and Harbor Patrol to discuss mooring related topics. Duffield concluded that there may be a need to review the administrative process and solutions to address derelict boats. He also handed out an article about derelict boats (attached). Duffield will continue to work with staff and Harbor Patrol.

**Visioning:** Valdes organized a meeting on 9/11/11 and refocused the subcommittee on the 6-8 commercial areas. The subcommittee will present at Tidelands Management Committee in the coming months.

**Cruising Guide:** Commissioner West will work with staff to publish the guide for the 2012 season.

**Code Enforcement:** Nothing to report at this time.

## **COUNCIL LIAISON REPORT:**

Mayor Pro Tem Gardner mentioned that the Lower Bay Dredging project in partnership with ACOE is gaining momentum and the City will be taking advantage of any additional funding. Gardner also mentioned that staff is reviewing fishing from bridges as a response to an injury sustained by a boater as a fisherman cast from the Lido Bridge.

**HARBOR RESOURCES UPDATE** – Manager Miller gave a PowerPoint presentation on harbor updates. *The update is posted at <http://www.newportbeachca.gov/index.aspx?page=1777>*

## **PUBLIC COMMENTS**

Len Bose commented that it is very easy to get along with Dutra, the dredging operator. He also wants the groin area at the American Legion dredged. Bose suggested that the Cruiser's Guide mention how and where to dispose of recyclables. Dan Purcell asked if dredging has any impact on liquefaction.

## **RECOMMENDED TOPICS FOR FUTURE AGENDAS:**

Lieutenant Tom Slayton for a Harbor Patrol update  
Brad Gross, Dana Point Harbor Director

## **DATE OF NEXT MEETING:**

Wednesday, November 9, 2011, 6:00 PM

**December meeting is cancelled.**

## **ADJOURNMENT:**

Meeting adjourned around 7:45PM.



## **Newport Beach Harbor Commission**

### **Proposed Harbor Speed Limit Exception for Human Powered Racing Events**

#### **Reconsideration of 5 Knots/hour vs Miles/hour**

##### **Background**

- The Harbor Commission has recommended an amendment to the Harbor Code which would establish an exception to the long-established harbor speed limit (5 Knots/hour), which exception would apply only to sanctioned rowing and sail racing activities.
- The proposed amendment includes a recommendation that the Harbor Code speed limit be changed to 5 MPH, in conformance with the Orange County code. (Note: 1 knot = 1.15 miles)
- During and since the recent City Council study session on this proposed amendment there has been substantial public comment in general support of the amendment, but opposed to the change from Knots to MPH.
- The public comments in support of retaining the Knots designation are based on the view that sailors and boaters are long accustomed to working with charts and instruments calibrated in Knots and KPH, not Miles or MPH.

##### **Recommendation**

In view of the public comments received, the Harbor Commission should reconsider its earlier recommendation that the proposed amendment change the existing 5 Knot harbor speed limit which has been the standard of Newport Harbor for many years. The practical or "real world" difference is not significant in terms of public safety.

Dwight R Belden  
Secretary and Director  
Newport Harbor Yacht Club  
720 West Bay Avenue, Balboa, CA 92661  
(949) 500 – 1110     [nhyc@msn.com](mailto:nhyc@msn.com)

**REMARKS AT PUBLIC PRESENTATION TO THE HARBOR COMMISSION**  
**October 12, 2011 - Harbor Commission Agenda Item No. 1**

*We support maintaining the current 5 knots speed limit throughout Newport Bay and Request that you reject Recommendation No. 1 and Accept Recommendation No. 2 keeping 5 KNOTS.*

- 15% is a **discernable** speed difference, especially when your speed is being dropped 15% from a lifetime of boating on the water. If your taxes were ~~doubled~~ by 15%, would you feel that?  
*INCREASE*
- 15% means the average trip from the breakwater will now be nearly 10 minutes longer.
- 5 MPH will mean that the average high powered cruising yacht may not have a low idle setting that is low enough to comply with the 5MPH standard.
- Low idle for many semi-displacement pleasure boats with waterlines of 50 feet or more have no discernable wake until they reach 7 knots or more.
- 5 knots is certainly an acceptable speed given historical precedence ... there is no evidence that a lowered speed limit is justified or needed. The incidence of speed related collisions is VERY low over recent history of, say, 70 years or more.
- Nuisance wakes will not be different as the theoretical hull speed (exhibit attached) of a 14 foot Laser sailboat is 5.0 knots or 5.8 knots ... after that it planes.
- A Lehman 12 hull speed is 5.4 MPH - which does not plane just digs a bigger hole in the water as it tries to climb over its bow wake.
- A Harbor 20 has a hull speed of 6.9 MPH or 6 knots.
- These sailboats are in constant use around the bay and have long history of not causing a problem, accident or other unwanted issue.
- The thought that you have to comply with state law is based upon the 5 MPH speed law, regulating the speed within 100 feet of swimmers (who can't be in some portions of the bay like the Federal Channel) and 200 feet of a beach, swimming float or active dock based loading zone. This regulation affects a small portion of the harbor along its shores only. There is no law mandating any speed limit outside of these zones. San Diego Bay, Lake Arrowhead or Big Bear Lake are examples where only the shore areas have a 5MPH speed limit ... Not the entire lake or in this case the Federal Channels or offshore areas allow swimming and the speeds in these other locations are significantly higher than that which is proposed here to maintain the current ordinance at 5 KTS.

## Hull Speed Chart

Displacement hull speed is an important indicator of how fast a displacement-type boat will go. It is the speed at which a boat begins to climb its own bow wave, essentially going uphill. It is calculated by the formula: velocity in knots =  $1.35 \times \sqrt{\text{waterline length}}$ . I got tired of looking around for my calculator, so I made up this handy chart. Since I usually think in terms of statute mph, I included that too. I also included kilometers per hour. (Note that this hull speed formula does not apply to needle-like hulls such as racing shells).

Waterline length in feet	Hull speed knots	Hull speed mph	Hull speed kmph	Waterline length in feet	Hull speed knots	Hull speed mph	Hull speed kmph
8	3.8	4.4	7.0	20	6.0	6.9	11.1
9	4.0	4.7	7.4	21	6.2	7.1	11.5
10	4.3	4.9	8.0	22	6.3	7.3	11.7
11	4.5	5.2	8.3	23	6.5	7.5	12.0
12	4.7	5.4	8.7	24	6.6	7.6	12.2
13	4.9	5.6	9.1	25	6.7	7.8	12.4
14	5.0	5.8	9.3	26	6.9	7.9	12.8
15	5.2	6.0	9.6	27	7.0	8.1	13.0
16	5.4	6.2	10.0	28	7.1	8.2	13.2
17	5.6	6.4	10.3	29	7.3	8.4	13.5
18	5.7	6.6	10.5	30	7.4	8.5	13.7
19	5.9	6.8	10.9	31	7.5	8.6	13.9

Huber 20  
15  
max 11.5  
2

Example: The Odyssey 180 rowboat has an overall length of 18'-2" and a waterline length of 17'-7". On the chart 17'-7" is about half way between 17 and 18 feet, so hull speed is 6.5 mph.

$$\text{Max Hull Speed} = 1.34 \times \text{LWL}^{1/2}$$

(mph)

$$1.34 \times 48'^{1/2} = 1.34 \times 6.92$$

$$9.28 \text{ kts}$$

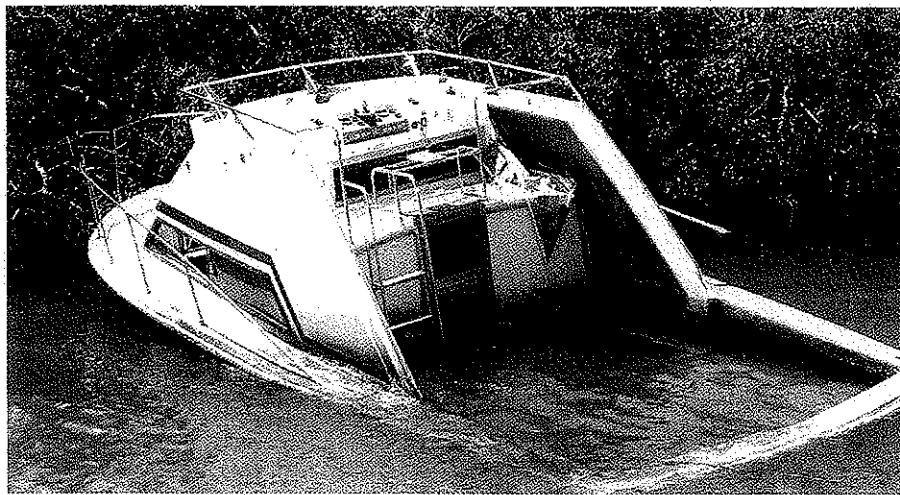
$$9.28 = 10.67 \text{ mph}$$



## WHAT ON EARTH SHOULD WE DO WITH DERELICT BOATS?

*"Life's too short to sail an ugly boat," says a popular bumper sticker.*

*But maybe it should read: "Boats live long lives, don't let them get ugly." Here's why*



A number of states have abandoned-vessel removal programs and funding sources ranges from a \$3 add-on to boat registrations in Washington state, to a portion of the 5-percent tax on boat sales in Maryland, to a share of state lease fees from gambling casinos in Mississippi. But the real solution is to convince owners to keep their boats from getting to the "derelict" stage of life, and since the workshop, the state of Florida appears to be the flagship on the prevention front.

### DEALING WITH THE DERELICTS

With one million registered boats, and thousands more visiting every year, the Sunshine State is "plagued" with abandoned vessels, according to the Florida Fish and Wildlife Conservation Commission (FWC). As of late June 2011, the agency estimated the number at 1,500, but by no means all of them recreational vessels.

"Barges, shrimp trawlers, head boats, sailboats, outboard skiffs, you name it and we've got it," says Capt. Richard Moore, who manages the agency's Waterway Management section. "The type of boat doesn't matter; it's against the law to leave any vessel 'in a wrecked, junked or substantially dismantled condition' in Florida waters." A derelict vessel could have a lawful owner, Moore notes, but it's just been sitting in the water for years, forgotten or ignored by that owner, and deteriorating to the point that it fits the legal definition. "If the owner can be found, we can say, 'Look, you can't leave that boat on the water. If it's a project, OK. Get it hauled out, take it to your backyard or someplace else to work on it.' At that point, if they haul it out, we're done."

In the past, Moore says, the state's focus had been on the removal and disposal of derelicts, at the owner's expense if possible, or using available state or federal funds,

**A**NY BOATER WORTH HIS OR HER SALT knows how important it is to keep their vessel, to use a time-honored nautical expression, "ship-shape and Bristol fashion." Unfortunately, on the waterways of this country, there are too many of the other kind: worn out and neglected, stripped and abandoned. Chalk them up as victims of the down economy, dreams gone sour, or the sad refuse of storms; such boats may pose a hazard to navigation or even a threat to the environment, and they certainly create a headache for waterway management authorities.

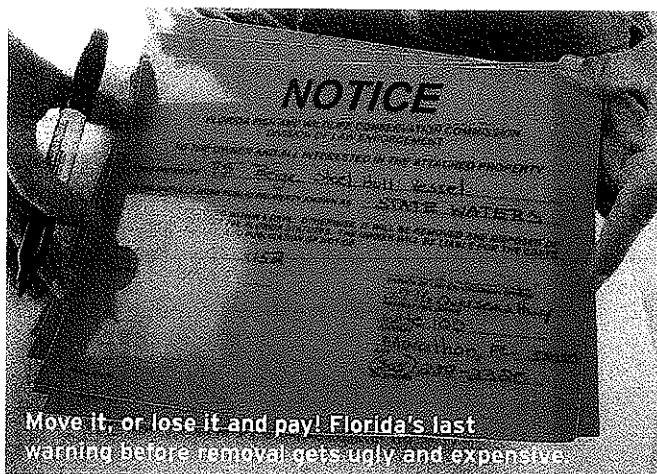
Although it's likely that abandoned vessels have been with us since early man ditched the first dugout canoe, orphan boats have been showing up in greater numbers along our coasts since the economic recession began in 2008. At best, authorities can trace some boats to legal owners who then can be required to pay for removal from the water and proper disposal. At worst, a boat could have had all identifying marks carefully removed, holes drilled into the bottom, and been left some quiet night to sink off the owner's problem list, only to surface eventually on the public's. That's why, in September 2009, the Marine Debris Program office of the National Oceanic and Atmospheric Administration (NOAA) coordinated the first national workshop to bring the topic of abandoned and derelict vessels, shall we say, to the surface. Sixteen states sent representatives of marine law enforcement, coastal management, and pollution control agencies to Miami to compare notes on how best to handle the problem they all shared in varying degrees. As might be expected, the top concern proved to be money; how could states underwrite the costs of dealing with what quickly became tagged the "ADV" — for abandoned and derelict vessel — problem? Dealing with abandoned private recreational boats usually is beyond the purview of federal agencies, so unless a derelict boat is obstructing navigation or leaking hazardous materials, state and local authorities generally have to foot the bill when an owner can't or won't take responsibility.

if no owner could be found. In 2008, the Florida Legislature appropriated \$1.55 million for derelict removal. In six months, FWC removed 83 vessels (at an average cost of \$450 per foot) including two 100-foot barges, a 90-foot steel casino boat, and a 65-foot shrimp trawler sunk in 20 feet of water.

The state budget is tight these days but Florida still must deal with its derelicts, grounded on shoals, lying under water, blown into the mangroves, and even sunk in their slips, nonetheless. "We've changed our attitude toward dealing with derelicts in the past five years," Moore says. "Our goal now is to prevent boats from getting in that condition in the first place and we've identified a way to do that, using education and local law enforcement."

### GOOD COP, BAD COP

In November 2010, FWC launched its At-Risk Vessel Program and now law enforcement officers at state, local, and county levels have access to an interactive database



Move it, or lose it and pay! Florida's last warning before removal gets ugly and expensive.

used to catalog boats that are showing tell-tale signs of neglect: barnacle-encrusted hull, listing or grounded condition, cabin open to the elements, missing gear, no anchor light at night, "anything that, in our experience, if left unattended could quickly put the boat in the derelict category," Moore explains. In that case, the investigating officer — 20 police departments and 17 sheriff's offices around the state now participate with FWC — posts a bright yellow tag on the boat, noting the specific problems that need attention and warning the owner that the boat is "at

risk of becoming a derelict vessel" under Florida law. The officer then enters the particulars of the vessel in the FWC database — type of boat, registration number, notes on condition, map coordinates, photos, and even witness statements, plus audio and video documentation. The information is then available online to other law enforcement agencies to avoid redundant investigations.

"This is an effort to communicate with the owners, to inform them of problems that,

if not corrected, will turn the boat into a derelict," says Phil Horning, who manages the system for FWC. "It's an official notice, not a violation. If possible, the officer will contact the owner and say, 'Hey, what's going on with your boat?' and that may be all that's needed." Earlier this year, Horning says FWC issued At-Risk tags to 50 vessels in Palm Beach County waters. "Only three failed to comply and take care of the maintenance problems cited," he notes. "We found that some boats had absentee owners who had been depending on someone locally to

### "AT-RISK" BOATS NOW ONLINE



**W**E'VE ALL SEEN THEM: BEACHED, half-sunken hulls, some tucked in backwaters, others perched on shoals or riding precariously at anchor; poorly maintained — even ignored — commercial or recreational boats that can pose problems for the vast majority of boaters who make maintaining their vessels a priority, if not a way of boating life. Now anyone can view the problem vicariously online by logging on to the public section of Florida's Statewide At-Risk and Derelict Vessel Map. The map has color-coded dots denoting three categories of at-risk boats and clicking on a dot brings up a panel with details about the boat, its condition, history, and even photos. As of July 1, the database had logged details of about one-third of Florida's derelict or at-risk boats. Although the numbers can change daily, at that time, of the 496 derelicts in the system, 170 posed hazards to navigation while 326 were deemed non-hazards. Another 58 boats in the system flew the not-so-coveted, yellow At-Risk tag.

Law enforcement officers from participating departments can update records on specific boats in real time, even from computer-equipped patrol craft, but the public cannot access certain details that are germane to continuing investigations or restricted for reasons of privacy. To view the website, or for more information about Florida's At-Risk Vessel Program, visit [www.MyFWC.com/Boating](http://www.MyFWC.com/Boating).

or at anchor, or maybe try to cruise on it, until it sinks; then they walk away and that's when we're stuck with it." Under Florida law the last owner of record may be responsible for the boat. If the owner doesn't remove it, he may be charged with a felony, lose motor vehicle and vessel registration privileges, incur other legal and court costs, or be forced to reimburse the jurisdiction — city, county, or state — that paid for the removal.

Horning says an expensive surprise can await people who have sold their boat but failed to transfer title. "In Florida, both the seller and the buyer must report the sale (to the Dept. of Highway Safety and Motor Vehicles) within 30 days," he notes. "If they don't, the former owner could be responsible if the boat becomes derelict." Every boat owner should realize that there will be an end of life for their boat. If they have an opportunity to legally sell the vessel near the end of its life, that's appropriate. But if not, the owner should have a plan to properly dispose of the vessel. A full proceedings of the 2009 NOAA workshop on abandoned and derelict vessels, plus more about marine debris issues, is available at: [www.marinedebris.noaa.gov/projects/dvessels.html](http://www.marinedebris.noaa.gov/projects/dvessels.html). 